Remarks

Reconsideration of the rejections set forth in the office action of June 11, 2007, is respectfully requested.

By the present amendment, independent Claims 9, 25, 30, 34, 43, 50 and 60 have been amended to more specifically define the present invention and to further distinguish over the cited art. More particularly, the lens is defined as uniplanar and the optic biconvex; whereas the Kelman lens is posteriorly vaulted, not uniplanar, and is not biconvex. The present lens is designed for implantation within the natural capsular bag and wherein haptics are designed to directly engage the interior of the capsular bag. The haptic or haptics are now defined as having a narrow groove, adjacent the optic extending transversely across the haptic thereby reducing the thickness thereof. This is particularly important with the lens of the present invention so as to facilitate movement of the optic along the axis of the optic with respect to the outer ends of the haptics to provide accommodating upon constriction and relaxation of the ciliary muscle of the eye.

The lenses shown in the Kelman patent do not have a like or similar construction, and particularly do not have a haptic or haptics with a narrow groove adjacent the optic extending transversely across the haptics thereby reducing the thickness thereof to enable and facilitate movement of the optic relative to the outer ends of the haptics. Of significance, is the fact that Kelman discloses his lens as placed in the anterior chamber 24 forward of the iris, and the lens is described as having a support structure which readily yields to normal distortions of the eye to minimize eye trauma attributable to distortion related stresses within the eye. Note column 3, lines 33-39, and column 6, lines 50-54. His fixation elements deflect to help minimize eye irritation and eyeball distortions. The lens is not designed for implanting within the natural capsular bag nor to move the optic axially and obviously the optic cannot move anteriorly and posteriorly upon constriction and relaxation of the ciliary muscle since it is not implanted there. Up until about 1979, it was thought that the cilary muscle atrophied when people were in

their mid-40's. Thus, back then you could if there was any market, possibly develop an accommodating lens for people under the age of 45. The Examiner notes that the Kelman lens is described as being flexible, and a certain amount of flexibility is normal for intraocular lenses to allow them to be folded for implantation. The flexibility is described with respect to the fixation elements 40 and 42 to permit deflection of the respective contact lobes 50 and 52 to reduce the possibility of irritation of the iris 14 or the tissue in the upper and lower groove portions 30. There is no disclosure of a lens design to provide movement of the optic for accommodation upon constriction and relaxation of the cilary muscle.

In view of the foregoing, favorable reconsideration of this application is requested. A Notice of Allowance is earnestly solicited.

Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: 8/10/07

By: _____
Samuel B. Stone
Reg. No. 19,297

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax: 9 49-567-6710